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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER Wuesthoff-10 (9A-99 194)
INTERNATIONAL APPLICATION NO. PCT/EP2005/001083	INTERNATIONAL FILING DATE 3 February 2005	U.S. APPLICATION NO. (If known, see 37 CFR 1.6) Not yet assigned <span style="font-size: 1.5em; font-weight: bold;">10/588175</span>
TITLE OF INVENTION OPHTHALMOLOGICAL DEVICE		PRIORITY DATE CLAIMED 3 February 2004
APPLICANT(S) FOR DO/EO/US    Iroc AG (Michael MROCHEN, Theo SEILER)		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

This collection of information is required by 37 CFR 1.414 and 1.491 -1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>Not yet assigned</b>	INTERNATIONAL APPLICATION NO. <b>PCT/EP2005/001083</b>	ATTORNEY'S DOCKET NUMBER <b>Wuesthoff-10 (9A-99 194)</b>
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20. Other items or information:

The application as filed (15 pgs. of specification, 2 sheets of drawings (Figs. 1-4)) (in German), the Request (4 pgs.) (in German), a Notification of Transmittal of the International Search Report and Written Opinion of the ISA, or the Declaration (in German), a Demand Form (in German), a Notification of Transmittal of International Preliminary Report on Patentability (in German) (with an English translation of the claims), Notification of Receipt of Record Copy, Notification Concerning Submission or Transmittal of Priority Document, First Notice Informing the Applicant of the Communication of the International Application (to Designated Offices Which Do Not Apply the 30 Month Time Limit Under Article 22(1)), Information Concerning Elected Office Notified of Their Election, Second and Supplementary Notice Informing the Applicant of the Communication of the International Application (to Designated Offices Which Do Not Apply the 30 Month Time Limit Under Article 22(1)), a copy of WO 2005/074848 A1

The following fees have been submitted	CALCULATIONS	PTO USE ONLY																
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)) ..... \$300	\$ 300.00																	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))																		
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0	\$ 200.00																	
All other situations ..... \$200																		
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))																		
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0																		
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... \$100	\$ 400.00																	
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB ..... \$400																		
All other situations ..... \$500																		
<b>TOTAL OF 21, 22 and 23 = \$900.00</b>																		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.																		
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:15%;">Total Sheets</th> <th style="width:15%;">Extra Sheets</th> <th style="width:30%;">Number of each additional 50 or fraction thereof (round up to a whole number)</th> <th style="width:15%;">RATE</th> </tr> </thead> <tbody> <tr> <td>- 100 =</td> <td>/50 =</td> <td></td> <td>x \$250</td> </tr> </tbody> </table>	Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	- 100 =	/50 =		x \$250	\$									
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE															
- 100 =	/50 =		x \$250															
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).	\$ 130.00																	
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:15%;">CLAIMS</th> <th style="width:15%;">NUMBER FILED</th> <th style="width:15%;">NUMBER EXTRA</th> <th style="width:15%;">RATE</th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>16 - 20=</td> <td>0</td> <td>x \$50</td> </tr> <tr> <td>Independent claims</td> <td>1 - 3=</td> <td>0</td> <td>x \$200</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$360</td> </tr> </tbody> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	16 - 20=	0	x \$50	Independent claims	1 - 3=	0	x \$200	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE															
Total claims	16 - 20=	0	x \$50															
Independent claims	1 - 3=	0	x \$200															
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360															
<b>TOTAL OF ABOVE CALCULATIONS =</b>	\$ 1030.00																	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.																		
<b>SUBTOTAL</b>	\$ 515.00																	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).	\$ 00.00																	
<b>TOTAL NATIONAL FEE =</b>	\$ 515.00																	
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property	\$ 00.00																	
<b>TOTAL FEES ENCLOSED =</b>	\$ 515.00																	
	Amount to be refunded:	\$																
	Amount to be charged:	\$ 515.00																

10/588175

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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- AP20 Rec'd PCT/PTO 02 AUG 2006**
- a. ☒ A check in the amount of \$ 515.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. 50-1049 in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1049. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Straub & Pokotylo  
620 Tinton Ave.  
Building B, 2<sup>nd</sup> floor  
Tinton Falls, New Jersey 07724

John C. Pokotylo  
SIGNATURE

John C. Pokotylo  
NAME

36,242  
REGISTRATION NUMBER

**\*\*\*EXPRESS MAIL CERTIFICATION\*\*\***

"Express Mail" mailing label number: EV910267541US

Date of deposit: August 2, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

John C. Pokotylo  
John C. Pokotylo

36,242  
Reg. No.